



**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**Monthly Enforcement Report**  
**for actions during October 2008**  
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*This report has been prepared to satisfy a statutory obligation DEP has to inform the public of certain enforcement resolutions. Please contact Peter Carney at (207) 287-4305 or [Peter.J.Carney@Maine.gov](mailto:Peter.J.Carney@Maine.gov) for additional information regarding the activities listed in this report. The full text of most Administrative Consent Agreements is available on the Board of Environmental Protection's website at <http://www.maine.gov/dep/bep/agenda.htm>. If you are receiving this report via regular mail, but would prefer to receive an electronic version please send an email to the above address with your contact information.*

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The following cases were resolved to achieve compliance with the law; remediate environmental damage; restore natural resources to appropriate conditions; and impose penalties to deter similar actions in the future.

**Administrative Consent Agreements Approved by the Board of Environmental Protection and Office of the Attorney General (party followed by location):**

*Land:*

**David Lehr, Bangor, Maine.** David Lehr ("Lehr") violated provisions of Maine's *Natural Resources Protection Act* by filling, bulldozing, and otherwise disturbing soil adjacent to a stream and Maine's *Protection and Improvement of Waters* laws by discharging soil to waters of the State, without first obtaining permits from the Department. In addition, Lehr violated Maine's *Erosion and Sedimentation Control* law by filling, displacing, or exposing soil without first taking measures to prevent unreasonable erosion or sediment beyond the project site or into a protected natural resource. Following Department involvement, Lehr installed temporary erosion control measures. To resolve the violations, Lehr agreed to submit a restoration plan to the Department to permanently revegetate all disturbed areas and restore a twenty-five foot wide buffer along the stream and paid \$2,000 as a civil monetary penalty.

**Superior Court Enforcement Resolutions (party followed by location):**

*Oil:*

**Jay McLaughlin, Cornville, Maine.** Jay McLaughlin was sentenced to sixty days in jail for burying and concealing oil contaminated soils on a site in Cornville, Maine which he had been hired to clean up. McLaughlin was found guilty following a day and a half bench trial in Superior Court in Skowhegan, of Theft by Deception from Peerless Insurance (which had paid him to do the clean up) and a criminal violation of Maine's environmental laws. The oil contaminated soil concealed by McLaughlin originated from a spill of diesel fuel and hydraulic fuel from a fire-damaged tree harvester, which had been operated on the site by a logger. McLaughlin proposed to the insurance company that he dispose of the contaminated soils for a fee and was authorized by the company to conduct the clean-up. He later presented the company with a bill for \$2,500 and represented in writing that he had removed and transported the contaminated soils for proper disposal. A neighbor to the woodlot, however, discovered that, instead of removing the oil contamination, McLaughlin had simply buried the oil contaminated soil and debris in a hole at the site. The neighbor reported it to the Department of Environmental Protection ("D.E.P."), which ultimately supervised the appropriate clean up. Nearly ten tons of oil contaminated soil and debris was removed by the D.E.P. and transported as special waste for disposal. McLaughlin was sentenced to eighteen months, all but sixty days suspended, on the theft charge, and sixty days on the environmental violation. The Court further imposed one year probation and a fine of \$2,000 on the theft charge and a fine of \$25,000 on the environmental violation, suspending all but \$2,500 of the latter fine. McLaughlin will also be required to pay restitution to D.E.P. for the cost of the clean up and disposal of the oil contaminated soil in the amount of \$2,443. McLaughlin has appealed his conviction and remains free on bail pending that appeal.